

December 5, 2017

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION II

In the Matter of the
Personal Restraint Petition of

ANDREW CRAIG SKYBERG.

No. 50324-7-II

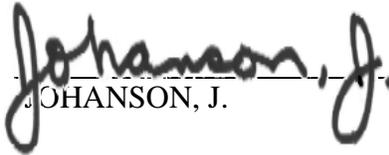
UNPUBLISHED OPINION

JOHANSON, J. — Andrew Skyberg seeks relief from personal restraint resulting from his 2017 plea of guilty to second degree assault while armed with a firearm (count I) and first degree unlawful possession of a firearm (count II). The trial court imposed the following terms of confinement: 84 months, plus a 36-month firearm enhancement on count I, and 116 months on count II. It also imposed 18 months of community custody on count I. He now argues that the combination of his 18-month term of community custody and his 120-month term of confinement exceeds the statutory maximum punishment for count I, which is 120 months, such that his judgment and sentence violates RCW 9.94A.505(5). The State concedes that the combination exceeds Skyberg's statutory maximum punishment and asks that we remand his judgment and sentence for correction. We accept the State's concession and remand Skyberg's judgment and

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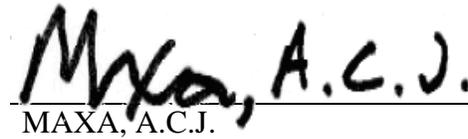
sentence to the trial court for correction by reducing his term of community custody to 0 months under RCW 9.94A.701(9).

A majority of the panel having determined that this opinion will not be printed in the Washington Appellate Reports, but will be filed for public record in accordance with RCW 2.06.040, it is so ordered.


JOHANSON, J.

We concur:


WORSWICK, J.


MAXA, A.C.J.